

Exhibit 13

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEMS MDL No. 2327
PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO: ALL CASES

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VIDEOTAPED DEPOSITION OF

PIET HINOUL, MD

VOLUME 4

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REPORTED BY: LANCE A. BOARDMAN

- - -

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1 Q. Gene Kammerer was somebody who
2 worked in Research and Development with mesh,
3 correct?

4 A. Correct.

5 Q. Let's go through this next
6 exhibit, which is 3501, which is the actual
7 PowerPoint he references.

8 Do you see that?

9 A. Yes.

10 Q. Go to the first text page. It
11 says "Description of Results."

12 The first thing he says is
13 that: The accompanying photographs show a
14 comparison between the laser-cut mesh and the
15 mechanical-cut mesh.

16 Right?

17 A. Yes.

18 Q. He says: Both sets of samples
19 have been pulled to 50 percent elongation and
20 then relaxed.

21 That was the methodology,
22 right?

23 A. Right.

24 Q. And then he says: The
25 machine-cut mesh samples show the degradation

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1 of the structure of the mesh in certain areas
2 where, because of particle loss, the knit has
3 opened and a portion of the construction has
4 been lost.

5 A. Right.

6 Q. The area may also be stretched
7 and narrowed, resulting in roping due to this
8 occurrence.

9 Do you see that?

10 A. Yes.

11 Q. And it's understood that when
12 tension is placed on the machine-cut mesh
13 that these things can occur, right?

14 A. Correct.

15 Q. He then says: The laser-cut
16 mesh samples show no degradation of the
17 structure of the mesh because no or nearly no
18 particles have been lost. The knit
19 construction remains intact. The area may be
20 stretched and narrowed but is generally less
21 than the MCM -- which is the machine-cut
22 mesh. And he says: Roping does not occur.

23 So he's talking about the
24 difference in performance of laser-cut mesh,
25 correct?

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1 A. Yes.

2 Q. Then if we go to the next page,
3 there's a side-by-side comparison, and he
4 actually points out on these photographs
5 degradation, stretching and particle loss
6 from the mesh, right?

7 A. Correct.

8 Q. If you go to the next page, he
9 actually gives a description of the
10 side-by-side views that we had just seen, and
11 he says: The previous slide shows views of
12 the areas which remain stretched. It can be
13 seen in the machine-cut mesh sample that the
14 integrity of the knit has been lost and the
15 outermost wale on each side is degraded.
16 Particles are seen separated from the sample.

17 He's just basically giving a
18 description of what the picture shows, right?

19 A. Right.

20 Q. He then says, with regard to
21 the laser cut: Conversely, for the laser-cut
22 mesh, it can be seen that the outermost
23 wales, although distorted, are still intact,
24 and the integrity of the knit across the full
25 width of the sample still holds. No

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1 particles can be seen separated from the
2 sample.

3 So again, he's just basically
4 narrating what the picture shows, correct?

5 A. Correct.

6 Q. If you go to the next page,
7 it's titled Mesh Degradation, and he has a
8 side-by-side picture of machine-cut mesh and
9 laser-cut mesh, and he annotates it with
10 pictures and arrows, right?

11 A. Yeah.

12 And I just want to point that
13 he uses the word "degradation" as referring
14 to loss of structure, so that it doesn't get
15 confused about some of the degradation
16 discussions we've had earlier.

17 MR. SLATER: Move to strike
18 after "yeah."

19 Q. This picture shows loss of
20 structure with the machine-cut mesh, correct?

21 A. Correct.

22 Q. And then with the laser-cut
23 mesh it says it stretched but the structure
24 remains, correct?

25 A. I see that, yes.

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1 Q. Let's go to the next page.

2 And he now gives a narration on
3 the description of the degradation views and
4 says: It can be seen in the specific
5 comparison of the degradation between the
6 machine-cut mesh and the laser-cut mesh
7 samples that the area in the center of the
8 machine-cut mesh sample has had a significant
9 amount of loss of the knit construction, both
10 on the outer edge where the wales are lost
11 and across the internal portion where in some
12 cases only two wales remain.

13 He's narrating what's shown on
14 those pictures, right?

15 A. Yes.

16 Q. He then says: In the laser-cut
17 mesh sample, the outer wales are still intact
18 and the internal structure remains the same
19 as before testing.

20 Right?

21 A. Yes.

22 Q. Again, he's just trying to
23 describe again visually and then describing
24 what the pictures show as to the different
25 performance of the two meshes, right?

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1 A. During this bench-top testing,
2 yes.

3 Q. If you skip forward, there's
4 been a picture pre- and postelongation. And
5 again we have more pictures showing the
6 differences in the two meshes, correct?

7 A. Correct.

8 Q. The next page: Description of
9 Pre- and Postviews.

10 And he says: In the comparison
11 between the preelongation and postelongation
12 samples for the machine-cut mesh, it is seen
13 that sometimes the edges are slightly rough
14 in the preelongation samples.

15 In the postelongation sample
16 the mesh is narrowed, roped prior to
17 relaxation, and some of the knit has fallen
18 apart. The difference between them is
19 noticeable.

20 And that's talking about the
21 picture that we had just seen, the prior
22 picture, right?

23 A. Yes.

24 Q. And then he says in the
25 comparison, talking about the laser-cut mesh:

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1 The edges are consistently uniform. Some
2 areas remain stretched after relaxation but
3 the edges are still uniform. No roping
4 occurred, and the knit is intact throughout.
5 The difference is not as noticeable.

6 He's just describing the
7 picture, right?

8 A. Yes.

9 Q. Finally, the summary to this
10 PowerPoint, Gene Kammerer says: In
11 conclusion, it can be stated that the
12 laser-cut mesh resists degradation of the
13 knit construction, particle loss, and
14 permanent narrowing better than the
15 machine-cut mesh in these representative
16 samples. There is some variation in the
17 results, and some of the machine-cut mesh
18 samples held up very well. However, overall,
19 this finding holds true across all the tested
20 articles, and the laser-cut mesh samples
21 prove more consistent in their good results.

22 That was his summary based on
23 this testing and these photographs, correct?

24 A. Yes.

25